

Regular Meeting Minutes  
September 14, 2009 ~ 7:00 p.m.

**A. CALL TO ORDER.**

The regular meeting of the Waverly City Council was held on September 14, 2009, at 7:00 p.m. in the Council Chambers at City Hall. Mayor Ackerman presided. Council members present: Duane Liddle, Gene Lieb, Gary Grace, Cyndi Ecker, Gary Boorum, Jim Vowels and Fred Ribich. Absent: None

1. **Approve Agenda as Printed or Add Items for Discussion Only.**

**Moved By: Grace**

That the agenda for this Council meeting as prepared is hereby approved.

**Yes: 7    No: 0    Absent: 0**

2. **Minutes.**

**Moved By: Boorum**

The August 17, 2009 and August 24, 2009 Council Meeting Minutes are hereby Approved by amending the August 24, 2009 minutes under Regular Business No. 9. to read "Chief Pursell will propose an ordinance change for said parking restrictions."

**Yes: 7    No: 0    Absent: 0**

3. **Guest Councilperson.**

The Council welcomed Kathy Olson as the Guest Councilperson for September.

**B. VISITORS/PUBLIC COMMENTS.**

Dick Lindell stated that Wartburg College pays less than 2% of taxes based on the total property value of \$65,000,000 or the amount of \$39,000 to \$40,000.

**C. CONSENT AGENDA.**

1. Pay Request from Kehe Construction Co. for the Water Pollution Control Facility Improvements in the amount of \$5,723.75.
2. Pay Request from WHKS & Co. for the Cedar River Trail Bridge – Phase 1 in the amount of \$30,746.55.
3. Pay Request from Stanley Consultants, Inc. for the Waverly Dam Reconstruction in the amount of \$1,956.00.
4. Class C Beer Permit for Casey's General Store.

**Moved By: Ribich**

Items 1 – 4 on the Consent Agenda are hereby approved.

**Yes: 7    No: 0    Absent: 0**

**D. REGULAR BUSINESS.**

1. **Resolution 09-104, A Resolution Approving Professional Services Agreement between the City of Waverly and Stanley Consultants for the Waverly Dam Reconstruction Project.**

Council discussed approval of the agreement without knowing what the outcome will be as far as EDA Funding. City Engineer Cherry stated that Gary Iversen of INRCOG informed the City that the SHPO review is moving forward. Mr. Cherry stated that the SHPO review and the design work run together. If the City delays it would throw off the project another year. Council at any time until awarding the project, can decide not to do the project but still would be obligated to pay

Stanley Consultants. If the City did not do the project CDBG and EDA would not reimburse the City for engineer services. Mr. Cherry stated that SHPO will not come back and say the City cannot do the flood mitigation project. SHPO is making sure that there is a historic record of what was done and that there is a photo documentation and a written history. Council also discussed that if the project was delayed another year there could be an increase in project costs. CDBG and EDA funds are fixed and if there is inflation as a result of the delay of the project then the City would have to pick up those additional costs. EDA funds are still outstanding because they are waiting for the SHPO report. Mike Flattery of Stanley Consultants informed Council that it is imperative to keep going on the project so that the project can begin in the spring of 2011 so the City can have something in place to help the community. The project will be affected by the seasonal conditions of the river. SHPO will come back and obligate the City to do some historic mitigation of the dam. Mr. Cherry also stated that the City should get SHPO approval before the letting of the project. The advantage of approving the professional services agreement is that the City can keep working on the project along with SHPO. There are 5 to 6 months of engineering work to complete. Mr. Flattery informed Council that Stanley works on an hourly basis and the Council can halt work on the project. Stanley has completed the inspection of the dam previously and has done almost all the field work. Stanley hopes that some demolition work can be completed at the end of the winter season.

**Moved By: Boorum**

Resolution 09-104, A Resolution Approving Professional Services Agreement between the City of Waverly and Stanley Consultants for the Waverly Dam Reconstruction Project for a Not-to-Exceed amount of \$225,155.00 is hereby approved.

**Yes: 6**

**No: 1(Liddle)**

**Absent: 0**

2. **Resolution 09-105, A Resolution Approving a Special Provisional Use for the Larrabee Center New Training and Educational Facility in NW Waverly.**

Clark Wilharm thanked Economic Director Passmore and Community Development and Zoning Official Kohout and the City for their help with the project.

**Moved By: Ecker**

Resolution 09-105, A Resolution Approving a Special Provisional Use for the Larrabee Center New Training and Educational Facility in NW Waverly is hereby approved.

**Yes: 7**

**No: 0**

**Absent: 0**

3. **First Reading of Ordinance 923, An Ordinance Amending the Zoning Ordinance of Waverly, Iowa, Providing for Rezoning of Certain Area From C-2A(Commercial District) to R-3(Multiple Family Residential District) of Said City for the Larrabee Center New Training and Educational Facility at 123 11<sup>th</sup> St. NW.**

**Moved By: Grace**

First Reading of Ordinance 923, An Ordinance Amending the Zoning Ordinance of Waverly, Iowa, Providing for Rezoning of Certain Area From C-2A (Commercial District) to R-3 (Multiple Family Residential District) of Said City for the Larrabee Center New Training and Educational Facility at 123 11<sup>th</sup> St. NW is hereby approved and sets October 5, 2009 at 7:00 P. M. in the Council Chambers of City Hall as the date, time and place for a public hearing.

**Yes: 7**

**No: 0**

**Absent: 0**

4. **Proposal to proceed with funding agreement with NRCS for the three drainage projects: South Branch of Dry Run Creek Bank Stabilization; Bantam Rail Trail Bridge Riverbank Stabilization; and Cedar Lane Riverbank Stabilization.**  
**Moved By: Liddle**  
Funding agreement with NRCS for the three drainage projects: South Branch of Dry Run Creek Bank Stabilization; Bantam Rail Trail Bridge Riverbank Stabilization; Cedar Lane Riverbank Stabilization is hereby approved.  
**Yes: 7                      No: 0                      Absent: 0**
5. **Resolution 09-103, A Resolution Accepting Public Improvements for the 10<sup>th</sup> Avenue SW Left-Turn Lane.**  
Economic Development Director Passmore informed Council that this should be the last left-hand turn lane on said corridor.  
**Moved By: Ecker**  
Resolution 09-103, A Resolution Accepting Public Improvements for the 10<sup>th</sup> Avenue SW Left-Turn Lane and approve \$58,000 payment to Heritage Dental Properties for the satisfactory completion of public improvements is hereby approved.  
**Yes: 7                      No: 0                      Absent: 0**
6. **Resolution 09-106, A Resolution Approving an Amendment to the Existing West Water Tower Lease Agreement for Waterloo MSA Limited Partnership d/b/a Verizon Wireless.**  
Economic Development Director Passmore informed Council that Verizon Wireless was one of the first to enter into a Water Tower Lease Agreement with the City and paid the least and now will pay the highest amount. City Attorney Carney checked with other cities and agreements usually range in and around the \$1,000 a month for rent. All rent stays in the enterprise fund. Verizon Wireless will pay \$1,250 a month for the current lease.  
**Moved By: Ribich**  
Resolution 09-106, A Resolution Approving an Amendment to the Existing West Water Tower Lease Agreement for Waterloo MSA Limited Partnership d/b/a Verizon Wireless allowing lessee to add multiple antennas to the top of the tower and adds an additional generator on the ground near their current pad site with an agreed rent increase in the amount of \$500 per month for this increased use is hereby approved.  
**Yes: 7                      No: 0                      Absent: 0**
7. **Approve Purchase of Half Ton Pickup Truck for the Government Building Superintendent.**  
The City did not qualify for “Cash for Klunkers” and another bidder did not have an opportunity to submit a bid with a trade-in so the pickup was rebid to give all local dealers a chance to bid.  
**Moved By: Ribich**  
Purchase of Half Ton Pickup Truck for the Government Building Superintendent from Krueger Auto of Waverly, Iowa in the amount of \$14,038.00 is hereby approved.  
**Yes: 7                      No: 0                      Absent: 0**
8. **Resolution 09-107, A Resolution Releasing the Maintenance Guarantee for Rolling Hills Addition – Phase 1.**  
**Moved By: Lieb**  
Resolution 09-107, A Resolution Releasing the Maintenance Guarantee for Rolling Hills Addition – Phase 1 is hereby approved.

**Yes: 7                                  No: 0                                  Absent: 0**

9. **Resolution 09-108, A Resolution Releasing the Maintenance Guarantee for Rolling Hills Addition – Phase 2.**

**Moved By: Ecker**

Resolution 09-108, A Resolution Releasing the Maintenance Guarantee for Rolling Hills Addition – Phase 2 is hereby approved.

**Yes: 7                                  No: 0                                  Absent: 0**

10. **Discussion on Proposal to Waive Property Taxes for 1 Year for Those Owners Whose Property will be Bought Out Under the HMGP Buyout Program.**

A buyout resident requested Mayor Ackerman to bring his request to Council. Said resident stated it is not the property owner's fault for the delay and they paid taxes a year ago and also last spring and thought that was enough. City Attorney Carney presented a letter to Council stating the property taxes against these properties have been assessed by multiple taxing authorities (county, school district, etc.) The taxes were set at public hearings and taxes are levied in an equal fashion among citizens. There is a substantial legal question as to whether public funds can be spent to pay private obligations. There are additional legal issues raised by the City determining to pay property taxes for certain property owners based on hardship and not other property owners who may also have damaged homes, but whose properties were not selected for buyout. Mr. Carney told the Council that INRCOG informed him that the City of Waterloo is considering prorating the taxes payable September 1, 2010 or after based upon the January 1, 2009 valuations. These "post flood valuations" have already been established by the assessor. This could be done in an estimated manner, by applying current levies to post flood values. This would seem fair and give some benefit to the buyout owners. Mr. Carney stated that he has received abstracts for 2 sets of properties, a total of 8. They are ready to propose the closing statements. Some are waiting for FEMA to examine duplication of benefits. Those contracts waiting for closing provide for standard proration of taxes. Those contracts are prepared by INCROG and they meet with them tonight. INRCOG has instructed buyout property owners that have walked away from their homes to pay the September installment. The buyout property owners will be required to pay traditional cost of closing, the abstract bill, real estate transfer tax, and the property taxes prorated to the date of possession. All other costs are paid by the City. Buyout property owners will get deductions. The Council gave Mr. Carney direction to contact the assessor on each of the buyout properties and let her know of the reduced value. Additional property owners whose homes were flooded and who are remaining will get the reduced value on their taxes.

11. **Approval of August Cash Disbursements.**

Harlan Platte is coming to the Council Meeting next week to talk about the reimbursement for his damaged sewer connection. Playground mulch will be reimbursed. The engine motor disbursement was for a flooded squad car. At the Public Services site there was drain tile that was crushed and damaged and Tiedt Nursery repaired and added drain tile. Trees Forever also had some outstanding invoices that were included in the one disbursement. Leisure Services Director Ray is putting together a proposal for swimming pool improvements for the budget.

**Moved By: Vowels**

August Cash Disbursements are hereby approved.

Yes: 7

No: 0

Absent: 0

12. **Approve Quotes for the Cemetery Storage Building Project.**

Leisure Services Director Ray informed Council that the Board of Adjustment tabled the storage building until information is gathered on setbacks. This item will come back to Council at a later date.

**E. BOARDS AND COMMISSIONS.**

1. **Boards and Commissions.**

Waverly Public Library Board of Trustees Minutes-getting bridge done  
Waverly Airport Commission Minutes-recommendation will come to Council on replacing the lighting and the rebate from Mid American will pay for most of the new bulbs.

Waverly Police Department Civil Service Minutes-The Police Department released a probationary officer from duty for misconduct during off hours. The Police Department will be going through a hiring process and the Civil Service Commission gives the Police Department permission to put together an eligibility list so they can re-advertise for a police officer.

2. **Reports**

Building Trades Permit Issuance – 3 new building permits.

3. **Communications.**

Senior Citizens Calendar at Mitchell Manor-fall fundraiser  
Memorandum Regarding Waverly Tree Inventory-there will be some ISU students driving around in City vehicles starting this weekend taking a tree inventory. The City has the software and equipment. Trees Forever is looking at places to establish a tree nursery and some buyout properties could be used as tree nursery areas.

**F. CITY COUNCIL COMMENTS ON POLICY ISSUES.**

Citizens approve of the New Recycling Center.

Community Development and Zoning Official Kohout stated that the deadline for the contractor has been set for the Flood Demolition Project. Plan B (hire another contractor) may have to start if the current Contractor does not start. It is a primary interest to get those homes out of their locations as soon as possible. Mr. Kohout will check to see if the contractor had started to demo said structures. Discussion followed on assembling a task force including developers and realtors to look at strategies for development of low to moderate income housing and what is affordable. Economic Development Director Passmore stated that the City has assembled a housing task force before. The task force should look at remedies to make the plan happen. The City may have to put some money into a project. Mr. Passmore does not want the City to be the developer. The City may waive infrastructure costs if the developer buys the land and develops it. There is also the issue that current developers have completed developments without incentives and will want to know why they didn't get any incentives. The City may in the future reclaim some buyout properties for affordable housing if they are no longer in the flood plain. This proposal will come back to Council at the September study session. City Attorney Carney informed Council that part of the buyout contract states that the the abstract update is the seller's responsibility. The City is paying the seller 110% of the assessed value. The seller will also receive \$10,000 relocation expense and \$850 for moving expense allowance.

Leisure Services Director Ray sent a letter out to dry run adjacent property owners regarding the responsibility of dry run maintenance.  
This Thursday is the deadline for City Election candidates to file their petitions by 5:00 P. M.  
The Recycling Center Project has not been accepted and staff will check on a crack in the concrete.  
The membership numbers for “the W” will be out soon.  
Finance Director Bachhuber will check on the results of the City’s re-audit.

**G. ADJOURNMENT.**

**Moved By: Boorum**

That the City Council Meeting be adjourned.

**Yes: 7**

**No: 0**

**Absent: 0**

**Council adjourned at 8:11 P. M.**

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Ivan J. Ackerman, Mayor

Attest:

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Jo-Ellen Raap, City Clerk